

**PHARMACY EXAMINING BOARD
DRAFT MEETING MINUTES
JUNE 1, 2011**

PRESENT: Jason Walker-Crawford, R.Ph.; Gregory C. Weber, R.Ph.; Timothy Boehmer, R.Ph.; Amy Mattila, R.Ph.; Jeanne Severson, R.Ph.

**BY LIVE
MEETING:** Pamela Phillips

STAFF: Kelli Kaalele, Bureau Director; Michele Miller Hayes, Board Legal Counsel; Michelle Solem, Bureau Assistant; and other DRL staff

GUESTS: John Gates and Bill Black, Aurora Health Care; Eric Knox, Wisconsin Department of Corrections; Michael Lonergan and John Jones, Prescription Solutions; Teresa Geier, Walmart Pharmacy; Paul Baum Group Health Cooperative; Tom Engels, Pharmacy Society of Wisconsin; Michelle Violi, Women's International Pharmacy; Melissa Theesfeld and Doug Meyer, Concordia; Donna Nuandorf, Cardinal Health; Joe Purcell, Dane County social worker; Brian McIlhone, Walgreens; Jeff Clinton, Omnicare; Jamie Statz-Paynter and Dingchen Sha, Dean Pharmacy; Meghann Lue and Angela McGowan, Pharmacy Society of Wisconsin; Jeff Freund, Marshland Pharmacy; and Dustin Robinson, Sara Hathaway, Krista Katers, Alex Berce and Garret Winter, Pharmacy Students

CALL TO ORDER

Jason Walker-Crawford, Chair, called the meeting to order at 9:03 a.m. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

AMENDMENTS

- Added an FDA warning letter discussion under Informational Items
- Added a case status report

MOTION: Jeanne Severson moved, seconded by Amy Mattila, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Amy Mattila moved, seconded by Jeanne Severson, to approve the minutes of April 6, 2011 as published. Motion carried unanimously.

PRESENTATION OF STIPULATIONS

Attorneys from the Division of Enforcement presented proposed stipulations, final decisions and orders in the following case:

09 PHM 031 – Amy P. Brieske

BUREAU DIRECTOR MATTERS

Kelli Kaalele reported on the following:

The funding for the NASPER grant was removed from the budget. Harold Rogers grant application has been submitted. Travel receipts are no longer required for reimbursements.

VARIANCE REQUESTS

AURORA – SHEBOYGAN

William Black and John Gates, R.Ph. appeared on behalf of Aurora Sheboygan.

MOTION: Jeanne Severson moved, seconded by Amy Mattila, to approve the variance request received from Aurora – Sheboygan Pharmacy with standard reporting requirements for January and June. Motion carried. Greg Weber recused himself.

PRESCRIPTION SOLUTIONS

John Jones and Mike Lonergan appeared on behalf of Prescription Solutions.

MOTION: Tim Boehmer moved, seconded by Greg Weber, to grant the variance request received from Prescription Solutions with standard reporting requirements for January and June and the language listed in the Chartwell variance related to additional facilities. Motion carried unanimously.

WISCONSIN DEPARTMENT OF PUBLIC HEALTH

This was not a variance request but rather a request for a procedure for the DRL to have in place in the event of an emergency health event.

AURORA - SINAI

MOTION: Tim Boehmer moved, seconded by Jeanne Severson, to deny the variance request received from Aurora – Sinai and request additional information. Motion carried. Greg Weber recused himself.

WHEATON ST. JOSEPH

MOTION: Tim Boehmer moved, seconded by Jeanne Severson, to deny the variance request received from Wheaton St. Joseph and request additional information. Motion carried unanimously.

VARIANCE REPORTS

MERCY HEALTH

Noted.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS

The Board discussed the Current and Future Rule Making and Legislative Initiatives and Administrative Rules Reports. Doug Meyer discussed the internship requirements with the Board. This item was tabled. This item will be moved down on the rule making priority list to potential rule-making. Jason Walker-Crawford updated the Board on the Pharmacy Examining Board issues that were before the legislature or included in the budget.

DIVISION OF ENFORCEMENT DISCIPLINE RECOMMENDATIONS

Chris Wolle, Enforcement Division Administrator, appeared on behalf of DOE to discuss the discipline recommendations. Jeanette Lytle and James Polewski provided input.

DISCUSSION OF DELEGATE AUTHORITY TO DEPARTMENT MONITOR

The delegated authority is changed to require Board liaison approval.

DISCUSSION REGARDING THE ACCEPTANCE OF ANOTHER COUNTRY'S EQUIVALENT TO FPGE

The Board discussed and directed Department staff to review the NABP letter of agreement and report back to the Board at the next meeting.

INFORMATIONAL ITEM - OFFICE OF NATIONAL DRUG CONTROL POLICY'S 2011 PRESCRIPTION DRUG ABUSE PREVENTION PLAN

LIAISON REPORTS

Reports Received:

- Credentialing Liaison – Tim Boehmer
- CSB Liaison – Tim Boehmer
- NABP Writing Workshop and Annual Meeting Report

CLOSED SESSION

MOTION: Amy Mattila moved, seconded by Jeanne Severson, to convene into closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; consider closing disciplinary investigation with administrative warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll call vote: Jason Walker-Crawford-yes; Gregory C. Weber-yes; Timothy Boehmer-yes; Amy Mattila-yes; Jeanne Severson-yes and Pamela Phillips-yes. Motion carried unanimously. Open session recessed at 12:59 p.m.

RECONVENE TO OPEN SSESSION

MOTION: Amy Mattila moved, seconded by Greg Weber, to reconvene into open session at 4:02 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

APPLICATION REVIEW

AMGEN USA, INC

MOTION: Greg Weber moved, seconded by Jeanne Severson, to approve the application for Amgen USA, Inc. Motion carried unanimously.

NESHER/THERRX

MOTION: Greg Weber moved, seconded by Jeanne Severson, to approve the application for Nesher/TherRx. Motion carried unanimously.

PROPOSED STIPULATIONS

09 PHM 026

MOTION: Tim Boehmer moved, seconded by Amy Mattila, to adopt the findings of fact, conclusions of law, stipulation and order in the matter of 09 PHM 026 – Mark Anderson and Associates. Motion carried unanimously.

09 PHM 031

MOTION: Tim Boehmer moved, seconded by Jeanne Severson, to adopt the findings of fact, conclusions of law, stipulation and order in the matter of 09 PHM 031 – Amy P. Brieske, R.Ph. Motion carried unanimously.

CASE CLOSINGS

07 PHM 047

MOTION: Jeanne Severson moved, seconded by Amy Mattila, to close case 07 PHM 047 as to WP for No Violation. Motion carried. Greg Weber recused himself.

10 PHM 049

MOTION: Greg Weber moved, seconded by Jeanne Severson, to close case 10 PHM 049 as to all respondents for prosecutorial discretion (P2). Motion carried unanimously.

MONITORING

LANCE LUNDSTAD

MOTION: Greg Weber moved, seconded by Jeanne Severson, to deny Lance Lundstad's request for full licensure. Mr. Lundstad has been non-compliant with September 2010 order. He needs to gain compliance with the September 2010 order which includes drug testing by a current approved program, which includes Affinity or First Labs. The September 2010 order required 48x and a hair for drug testing. Recognizing efforts in MN, the Board will reduce to 24x/year plus a hair for drug testing. He needs 5 full years of compliance with the stipulation which requires 5 years of working in the practice of pharmacy. Periods of unemployment do not count towards the stipulation. It appears based on our calculations that he, if he maintains employment, will have completed 5 years of compliance with the work requirements of the stipulation in approximately February, 2013. Mr. Lundstad may petition for modification of the order after three months by demonstrating full compliance with the original order including work reports, therapy reports, counseling reports and all other requirements of the original order. Motion carried unanimously.

THOMAS GABRIEL

MOTION: Tim Boehmer moved, seconded by Greg Weber, to grant Thomas Gabriel's request for a Continuous Stay of Suspension. Motion carried unanimously.

ROGER IVERSON

MOTION: Jeanne Severson moved, seconded by Tim Boehmer, to deny Roger Iverson's request for a Stay of Suspension. The stipulation requires a written recommendation by the respondent's treater. Motion carried unanimously.

ERIN ORTH

MOTION: Jeanne Severson moved, seconded by Greg Weber, to grant Erin Orth's request for a Stay of Suspension and reduce the number of screens to 48 urine screens plus one hair screen per year. Motion carried unanimously.

JEREMY VAN BUREN

MOTION: Tim Boehmer moved, seconded by Jeanne Severson, to grant Jeremy Van Buren's request for a Stay of Suspension, increase the number of PIC hours to 24 and reduce treatment appointments to quarterly. Motion carried. Jason Walker-Crawford recused himself.

MICHAEL VANDE ZANDE

Action on Michael Vande Zande's request for licensure was tabled.

ADJOURNMENT

MOTION: Jeanne Severson moved, seconded by Amy Mattila, to adjourn the meeting at 4:07 p.m. Motion carried unanimously.